IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLIATION NO.1571/06

Shri.S. Anwar Ahmed Ansari .... Applicant

V/s.

The State of Maharashtra .... Respondent

Shri.Anilkumar Patil Adv. for the applicant.
Miss.S.D. Shinde APP for the State.

CORAM : V.M. KANADE, J.

DATED : 28/04/06

P.C.:-

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. The applicant was arrested in connection with C.R.No.I-368/2005 registered with Manickpur Police Station, Dist:Thane, for the offences punishable U/s.307, 504 r/w 34 of IPC. Chargesheet has been filed. Only role attributed to the present applicant is that he has instigated the other accused to assault the complainant. Since investigation is over and chargesheet has been filed, in my view, this is a fit case for grant of bail, particularly because the

present applicant has not taken any part in the actual assault on the complainant.

3. Therefore, in my view, the applicant be released on bail in the sum of Rs.5,000/- with one or two sureties in the like amount. The applicant shall report to the Manickpur Police Station, Dist:Thane once in a month.

4. The applicant shall not tamper with the evidence or threaten the witnesses. If any complaint is received by the Investigating Officer, the Public Prosecutor is at liberty to file an application for cancellation of bail.

5. The Trial Court shall not be influenced by any observations made by this Court while deciding the application and they shall not be construed as an expression of opinion on merits of the case and it shall decide the case on its own merit and in accordance with law.

6. The application is accordingly disposed of.

V.M. KANADE J.